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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 HOMERUN PRODUCTS, LLC

Case No. 2:18-cv-00794-JCM-GWF

8 Plaintiff,

9 v.

ORDER

10 TWIN TOWERS TRADING, INC.,

11 Defendant.

12 This matter is before the Court on Plaintiff's Memorandum in Support of Request for
13 Attorney's Fees (ECF No. 94), filed on March 27, 2019. Defendant filed its Opposition (ECF No.
14 102) on April 10, 2019. No reply has been filed.

15 **BACKGROUND**

16 This case arises from proprietary dispute between the parties. Specifically, the Complaint
17 (ECF No. 1) alleges claims for breach of contract, misappropriation of trade secrets, fraudulent
18 inducement, deceit, and interference with prospective advantage. *Id.* at ¶¶ 42-102. On January 31,
19 2019 Plaintiff filed its Motion to Compel Discovery. *See* ECF No. 72. On February 14, 2019
20 Defendant filed its Opposition and on February 21, 2019, Plaintiff filed its Reply (ECF No. 83).
21 The Court conducted a hearing on March 4, 2019. The Court issued its Order, granting in part,
22 and denying, in part, Plaintiff's Motion to Compel. *See* ECF No. 92. The Court denied Plaintiff's
23 request as to Interrogatory No. 13, and in regard to the requests for production of documents not
24 specifically identified in the motion to compel. However, the Court awarded Plaintiff reasonable
25 costs and attorney's fees incurred in preparing and filing her motion. *Id.* The Court instructed
26 Plaintiff to file its application for attorney's fees by March 27, 2019 with Defendant's response
27 due April 10, 2019.
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1 **DISCUSSION**

2 The Supreme Court has held that reasonable attorney fees must “be calculated according
3 to the prevailing market rates in the relevant community,” considering the fees charged by
4 “lawyers of reasonably comparable skill, experience, and reputation.” *Blum v. Stenson*, 465 U.S.
5 886, 895-96 n. 11, 104 S.Ct. 1541 (1984). Courts typically use a two-step process when
6 determining fee awards. *Fischer v. SJB-P.D. Inc.*, 214 F.3d 1115, 1119 (9th Cir. 2000). First, the
7 Court must calculate the lodestar amount “by taking the number of hours reasonably expended on
8 the litigation and multiplying it by a reasonable hourly rate.” *Id.* Furthermore, other factors should
9 be taken into consideration such as special skill, experience of counsel, and the results obtained.
10 *Morales v. City of San Rafael*, 96 F.3d 359, 364 n. 9 (9th Cir. 1996). “The party seeking an award
11 of fees should submit evidence supporting the hours worked and rates claimed . . . [w]here the
12 documentation of hours is inadequate, the district court may reduce the award accordingly.”
13 *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983). Second, the Court “may adjust the lodestar, [only
14 on rare and exceptional occasions], upward or downward using a multiplier based on factors not
15 subsumed in the initial calculation of the lodestar.” *Van Gerwen v. Guarantee Mut. Life Co.*, 214
16 F.3d 1041, 1045 (9th Cir. 2000).

17 Plaintiff requests attorney’s fees in the amount of \$10,902.00¹ for work performed in
18 preparing its motion to strike. The amount is based on work performed by Kip M. Kaler, Esq., at
19 an hourly rate of \$300.00 and Asa Burck, Esq., at an hourly rate of \$180.00. Plaintiff also submits
20 local counsel’s itemized billing based on work performed by Patricia Lee, Esq., at \$360.00.
21 Defendant argues Plaintiff’s request for fees should be limited because its fees were excessive and
22 duplicative.

23 After reviewing Plaintiff’s counsel’s affidavit, the Court finds that Plaintiff’s counsel has
24 provided sufficient evidence showing that their hourly rate is reasonable. However, after
25 reviewing its itemized billing entries, the Court finds that the 41.1 hours of attorney labor is
26 excessive. The Court finds that the hours involved in preparing Plaintiff’s motion to strike and for
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28 ¹ Kaler Doeling, PLLP requests \$9,132.00. Local counsel, Hutchinson & Steffen requests \$1,770.00. Totaling \$10,902.00.

1 labor related to such motion should take no more than 28.4 hours of attorney labor. As a result,
2 the Court will award reasonable attorney's fees to Plaintiff in the amount of \$7,824.00.
3 Accordingly,

4 **IT IS HEREBY ORDERED** that Defendant must pay the amount of \$7,824.00 to
5 Plaintiff by no later than **June 7, 2019** unless an objection is filed.

6 DATED this 7th day of May, 2019.

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9 GEORGE FOLEY, JR.
10 United States Magistrate Judge
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